

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KRISTEN MCDONALD,

Plaintiff,

v.

FRANKLIN COUNTY, OHIO,

Defendant.

Case No. 2:13-cv-503

JUDGE GREGORY L. FROST
Magistrate Judge Mark R. Abel

ORDER

The Court has recently begun to review Plaintiff's motion to certify class. (ECF No. 45.) Upon review the Court realized that Plaintiff's motion targets class definitions proposed in the second amended complaint (ECF Nos. 45-3, 54) which was denied by the Magistrate Judge (ECF No. 70). Plaintiff's briefing tries to further modify the class definitions. (ECF No. 64.) Even briefing by Defendant regarding the gender specifications within Plaintiff's class definitions affects numerosity. (ECF No. 55 at 2.) As a result, the Court **DENIES WITHOUT PREJUDICE** Plaintiff's motion to certify class (ECF No. 45), and **DENIES WITHOUT PREJUDICE** Defendant's motion for summary judgment (ECF No. 69).

The Court hereby **ORDERS** Plaintiff to file a new motion to certify class using the properly defined classes as set forth in the first amended complaint. That motion must be filed on or before **December 23, 2014**. The parties are directed to brief the motion in accordance with Local Rule 7.2. A non-oral hearing on Plaintiff's motion to certify class is set for **February 17, 2015**.

No motions for summary judgment will be accepted until the Court has ruled on Plaintiff's motion to certify class. The Court will schedule a telephone status conference following the ruling on the motion to certify class.

In light of this Order, ECF Nos. 71 and 72 are moot and ECF Nos. 73 and 74 are vacated. The non-oral hearing date of December 16, 2014 is vacated.

IT IS SO ORDERED.

/s/ Gregory L. Frost

GREGORY L. FROST

UNITED STATES DISTRICT JUDGE